

HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,
Plaintiff,

v.

MOTOROLA, INC., et al.,
Defendants.

No. C10-1823-JLR

REDACTED

DECLARATION OF CHRISTOPHER T.
WION IN SUPPORT OF
MICROSOFT'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
DISMISSING MOTOROLA'S CLAIM
FOR INJUNCTIVE RELIEF

NOTED: Friday, January 6, 2012

MOTOROLA MOBILITY, INC., et al.,
Plaintiffs,

v.

MICROSOFT CORPORATION,
Defendant.

I, Christopher T. Wion, hereby declare as follows:

1. I am an attorney at the law firm of Danielson Harrigan Leyh & Tollefson LLP,
counsel for Microsoft Corporation in the above-captioned matter, and have personal
knowledge of the facts stated herein.

REDACTED - DECLARATION OF
CHRISTOPHER T. WION IN SUPPORT OF
MICROSOFT'S MOTION FOR PARTIAL
SUMMARY JUDGMENT DISMISSING
MOTOROLA'S CLAIM FOR INJUNCTIVE
RELIEF - 1

LAW OFFICES
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
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2. Attached hereto as Exhibit 1 is a true and correct copy of the Guidelines for Implementation of the Common Patent Policy for ITU-T/ITU-R/ISO/IEC, dated March 1, 2007, that was downloaded from the ITU website (<http://www.itu.int>) at my direction and previously submitted as Exhibit 3 to my August 18, 2011 Declaration (Dkt. No. 79).

3. Attached hereto as Exhibit 2 are true and correct copies of various Patent Statements and Licensing Declarations submitted by Motorola to the ITU relating to the H.264 standard, produced by Motorola in the above-captioned matter, and previously submitted as Exhibit 4 to my August 18, 2011 Declaration (Dkt. No. 79).

4. Attached hereto as Exhibit 3 is a true and correct copy of a letter with enclosure from Kirk Dailey, Corporate Vice President of Intellectual Property for Motorola, to Horacio E. Gutierrez, Corporate Vice President and Deputy General Counsel for Microsoft, dated October 29, 2010, and previously submitted by Motorola as Exhibit 1 to the December 15, 2010 Declaration of Norman H. Beamer (Dkt. No. 37).

5. On November 10, 2010 Motorola Mobility, Inc., and General Instrument Corporation filed suit against Microsoft in the United States District Court for the Western District of Wisconsin (*Motorola Mobility, Inc. and General Instrument Corp. v. Microsoft Corp.*, Case Number 10-cv-699) (the "Wisconsin Action"). Attached hereto as Exhibit 4 is a true and correct copy of the Complaint for Patent Infringement filed on November 10, 2010, in the Wisconsin Action, obtained from the Public Access to Court Electronic Records (PACER) Electronic Filing (ECF) website.

6. The Wisconsin Action was transferred to the Western District of Washington on February 18, 2011 and consolidated with the above-captioned action for all purposes on June 1, 2011. *See* Dkt. Nos. 49 and 66.

produced by Motorola in the above-captioned matter.

8. Attached hereto as Exhibit 6 is a true and correct copy of the

produced by Motorola in the above-captioned matter.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 15th day of December, 2011, at Seattle, Washington.


CHRISTOPHER T. WION


CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Attorneys for Defendants Motorola Solutions, Inc., Motorola Mobility, Inc., and General Instrument Corporation

Philip S. McCune
Lynn M. Engle
Summit Law Group

Steven Pepe
Jesse J. Jenner
Norman Beamer
Paul M. Schoenhard
Ropes & Gray


LINDA BLEDSOE

REDACTED - DECLARATION OF
CHRISTOPHER T. WION IN SUPPORT OF
MICROSOFT'S MOTION FOR PARTIAL
SUMMARY JUDGMENT DISMISSING
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RELIEF - 4

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